



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2307553
Applicant Name: John Hunt for Hunt Associates, Architects
Address of Proposal: 10700 24th Ave NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a five (5)* unit townhouse structure in an Environmentally Critical Area (40% Steep Slope).

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading, or demolition, or
 another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 13,000 square foot triangular proposal site is located in two Multi-Family Residential zones, Lowrise 3 (L3) and Lowrise 2 (L2). The site is located between 24th Ave NE and Lake City Way NE, just north of the intersection of the two streets. The proposal site has approximately 206.85 lineal feet of street frontage on 24th Ave NE and 202.91 lineal feet of frontage on Lake City Way NE. Both abutting streets are paved streets with no curbs planting strips or sidewalks. The site has no abutting alley; vehicle access will be from the abutting street 24th Ave NE. The site is vegetated with brush, grass, five (5) Big Leaf Maples, two (2) Pacific Dogwoods, three (3) Western Red Cedars, three (3) Douglas Firs, and two (2) Pacific Madrones. None of these trees are considered exceptional

* Application was originally noticed for eight (8) townhouse units.

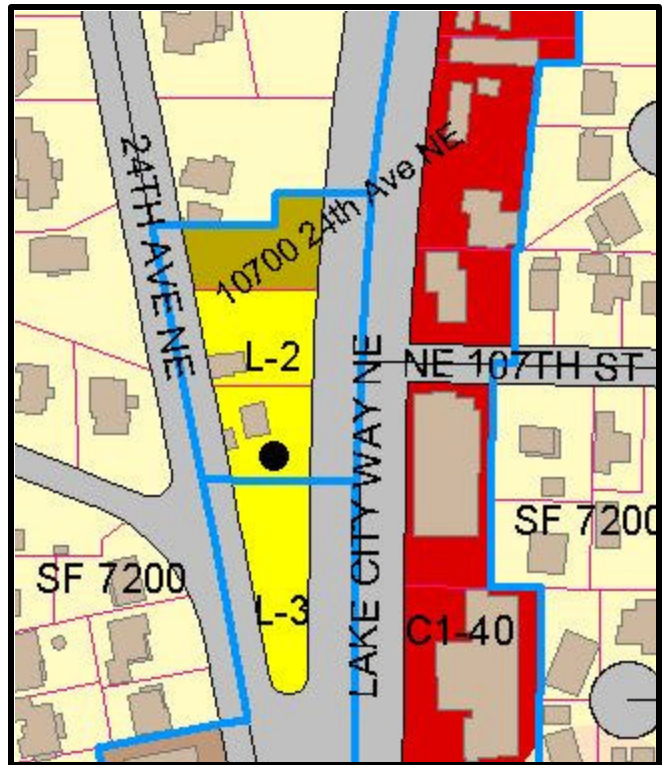
or significant. The site contains 40% Steep Slope Environmentally Critical Areas (ECAs) as determined by DPD after review of the required topographic survey.

Area Development

Zoning in the immediate vicinity is Multi-Family Residential Lowrise 2 and 3 to the north and south along 24th Ave NE. Commercial one (C1) zoning is adjacent to the site located north and south along Lake City Way NE. East and west of Lake City Way, Single-Family (SF 5000 and 7200) zoning is dominant.

Proposal Description

The applicant proposes future construction of a five unit townhouse structure in a 40% Steep Slope ECA on an un-developed lot. There is no existing vehicle access or parking for the lot. Vehicle access for the new development is proposed off of 24th Ave NE along the western portion of the site. Two-ten foot curbcuts are proposed off of 24th Ave NE to give vehicle access to the site. Parking will be provided beneath units A through D and on the surface for unit E. There is one guest parking space proposed south of the structure for a total of six spaces for the development. A steep slope exemption was granted (MUP # 2202496) for the site on January 25, 2002. The steep slope standards for the site are waived for the site. ECA review is still required and other ECA standards remain, such as the General, Submittal, and Landslide Hazard area.



Public Comments

The public comment period for the proposed project ended on April 14, 2003. No public comment letters were received during the public comment period.

ANALYSIS - SEPA

The proposal site is located in a 40% Steep Slope Environmentally Critical Area and pursuant to Seattle Municipal Code 25.05.908-C1 the proposed construction is not exempt from SEPA review. SMC 25.05.908-C1 allows for one (1) single family dwelling unit to be constructed which does not exceed nine (9,000) thousand square feet of development coverage; in this case multifamily units are proposed and thus not exempt from SEPA. The type of development proposed in the Steep Slope ECA is beyond the threshold allowed for categorical exemption from SEPA requirements. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical

Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (initially prepared March 22nd, 2004), and supplemental information in the project file submitted by the applicant. A second SEPA checklist was prepared by the applicant on June 2nd, 2004 in light of the revised application from eight (8) to five (5) townhouses proposed. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Some short-term adverse impacts are anticipated from the proposal.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Critical Areas. These ECAs are subject to additional environmental review to determine impacts and, if warranted, to provide further mitigation beyond the development standards required by all City codes. Thus, a more detailed discussion of some of the impacts is appropriate.

Short - Term Impacts

The following temporary impacts are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Grading, and Drainage Control Code (temporary soil erosion); and 3) Geo-technical review (soils engineering). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient current and long term mitigation; imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a 40% Steep Slope Environmentally Critical Area.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes,

liquefaction zones, and/or a history of unstable soil conditions. An amended geo-technical evaluation was prepared on March 22, 2004, which found that "Based on the soil conditions encountered in our subsurface explorations, it is our opinion that the site is suitable for the proposed development from a geotechnical engineering viewpoint." It should be noted that the original geo-technical report (by Liu and Associates on May 30th 1996) was analyzing the construction of a previously proposed (MUP 9908142) sixteen-unit apartment complex. The amendment (by Creative Engineering Options) was completed on March 22nd 2004. The amendment states, "Based on our review it is our professional opinion that, with the omission of several minor elements specific to the current development plan, the geotechnical recommendations contained therein remain applicable for your currently proposed site development plan." The said geo-technical report and the amendment are located in the project file.

Long - Term Impacts

There are no significant long-term impacts to the ECA resulting from the proposed subdivision and construction. No conditioning is warranted per SEPA policies.

Summary

City codes and ordinances adequately regulate and provide extensive conditioning authority to mitigate the potential impacts to earth as identified in the foregoing analysis. There are no significant long-term impacts anticipated to affect the ECA.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

None.

Signature: (signature on file) Date: August 23, 2004
Lucas J. DeHerrera, Land Use Planner
Department of Planning and Development
Land Use Services

LJD:rgc

I:\DeherrL\doc\LucasWrittenDecisions\sepa.only\2307553.SEPA.10700 24th Ave NE\WrittenDec.2307553.SEPA.Towhomes.L3.doc